

## **Exhibit 2**

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FEB 15 2019

CLERK OF THE SUPERIOR COURT  
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12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 CHRISTINE McGEE, a married woman,

15 Plaintiff,

16 v.

17 WRIGHT MEDICAL TECHNOLOGY, INC.,  
18 a Delaware corporation; JOHN and JANE  
19 DOES I-X; BLACK CORPORATIONS I-X;  
20 and WHITE CORPORATIONS I-X,

21 Defendants.

No. CV 2019-001616

22 **Complaint**

23 (Products Liability)

24 Plaintiff, for her Complaint against Defendants, alleges as follows.

25 **PARTIES, JURISDICTION AND VENUE**

26 1. At all times relevant to this action, Plaintiff Christine McGee was a resident  
27 of Maricopa County, Arizona. Plaintiff McGee continues to reside in Maricopa County,  
28 Arizona.

29 2. Defendant Wright Medical Technology, Inc., is a corporation organized under  
30 the laws of the State of Delaware and thus, is a citizen of the State of Delaware. Defendant  
31 Wright Medical Technology, Inc. is registered to do business in Arizona, and regularly  
32 conducts business in Arizona.

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1       3.     Defendant Wright Medical Technology, Inc., (hereafter, "Wright Medical")  
2 conducted business in Arizona at all relevant times, and caused severe harm to the Plaintiff  
3 in Arizona.

4        4. Defendants John Does and Jane Does I-X, Black Corporations I-X, and White  
5        Corporations I-X are those persons and entities whose relationships to the named  
6        Defendants and/or whose actions or omissions give rise to the legal responsibility for the  
7        damages incurred by Plaintiff, but whose true identities are presently unknown to Plaintiff.  
8        These persons and entities are hereby notified of Plaintiff's intention to join them as  
9        Defendants if and when additional investigation or discovery reveals the appropriateness of  
10      such joinder. Plaintiff requests the leave of Court to amend this Complaint once the true  
11      identities of these Defendants become known to Plaintiff, pursuant to Rule 10(f), Arizona  
12      Rules of Civil Procedure.

13       5. Upon information and belief, all fictitious Defendants were residents of the  
14 State of Arizona, and/or were organized and existed under the laws of Arizona and doing  
15 business in the State of Arizona, and/or foreign corporations, businesses, etc., qualified to  
16 do business within the State of Arizona and actually doing business there on the date of the  
17 actions alleged herein.

18       6. Defendants committed acts and/or omissions and caused events to occur in  
19 the State of Arizona as delineated below, causing Plaintiff's injuries.

20       7. The minimal jurisdictional amount established for filing this action has been  
21 satisfied. Venue is proper in Maricopa County, Arizona.

## **FACTUAL ALLEGATIONS**

23        8. On October 31, 2007, Christine McGee underwent a left total hip replacement  
24 at Scottsdale Healthcare Shea in Scottsdale, Arizona. The procedure went without incident,  
25 and Ms. McGee successfully had various Wright Medical products implanted in her,  
26 including the Profemur Z stem, the Conserve Total A-Class head, and the Dynasty shell.

27       9.     In early April, 2017, Ms. McGee's physicians, while reviewing x-rays of her  
28 spine, noted that Ms. McGee's right medical implant had failed.

1       10. On April 19, 2017, Ms. McGee underwent a revision surgery with Dr. Brent  
2 Hansen at Abrazo Arrowhead Campus in Glendale, Arizona.

3        11. Complications stemming from the failed left Wright Medical hip implant  
4 have caused, and continue to cause additional pain and suffering subsequent to the revision  
5 surgery.

**COUNT I**

### **(STRICT LIABILITY)**

8           12. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as  
9 if fully set forth herein.

10        13. At all relevant times, Wright Medical was in the business of designing,  
11 manufacturing, marketing and selling orthopedic hips.

12        14. Wright Medical designed, manufactured, sold and introduced into the stream  
13 of commerce the defective hip which failed and caused the subsequent revision surgeries,  
14 and pain and suffering. Wright Medical designed, manufactured, sold and introduced into  
15 the stream of commerce the defective hip implant device which failed and caused the  
16 subsequent revision surgeries, and pain and suffering.

17        15. Wright Medical is liable for the failed hip, and it is liable for placing a  
18 defective and unreasonably dangerous product into the stream of commerce, and allowing  
19 a defectively-designed and manufactured orthopedic hip implant device to leave its control.

16. The orthopedic hip implant device in question contained manufacturing,  
design and warning defects at the time it left Wright Medical's control. These defects  
occurred within the life of the orthopedic hip and the orthopedic hip did not perform as  
safely as an ordinary consumer would have expected at the time of use.

24       17. The orthopedic hip implant device was used by Plaintiff Christine McGee in  
25 a way that was reasonably foreseeable to Wright Medical.

18. The unreasonably dangerous nature of the orthopedic hip implant device  
created a high probability that the hip would break and move, which it did, resulting in  
severe injury.

19. Wright Medical is strictly liable for designing, manufacturing, marketing and/or placing a defective and unreasonably dangerous product into the stream of commerce.

20. The defect in the Wright Medical hip implant device was the proximate cause of the Plaintiff's severe injuries and damages.

21. As a result of Defendant's liability, Plaintiff Christine McGee sustained emotional and physical injuries, incurred medical expenses and will incur medical expenses and loss of income in the future.

22. Plaintiff is informed and believes that Defendant Wright Medical knew or should have known about the defects alleged in this Complaint and that death and/or catastrophic injuries could occur due to the defects in the subject hip implant device. Nonetheless, the defects were not corrected by Defendant Wright Medical. Nor did Defendant Wright Medical warn the public about these defects and the risks they posed. Instead, it deliberately and intentionally concealed such information from the public. Such acts and/or omissions constitute willful, wanton, reckless and malicious behavior and/or conscious disregard for the substantial risk that such conduct might threaten the life, health and safety of Plaintiff.

23. Plaintiff is entitled to punitive damages against Defendant Wright Medical.

## COUNT II

**(NEGLIGENCE)**

24. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

25. Defendant Wright Medical was negligent in the design, manufacture, inspection, assembly, installation, distribution, repair, maintenance and/or sale of the subject hip implant device. In addition, Defendant Wright Medical's conduct created an unreasonable risk of bodily harm to Plaintiff Christine McGee.

26. Defendant Wright Medical's negligence was a cause of bodily harm to Plaintiff.

27. As a direct and proximate result of Defendant Wright Medical's negligence

and carelessness, Plaintiff sustained injuries and damages described above.

28. Plaintiff is informed and believes that Defendant Wright Medical knew or should have known about the defects alleged in this Complaint and that death and/or catastrophic injuries could occur due to the defect of the subject hip. Nonetheless, the defects were not corrected by Defendant Wright Medical.

29. Nor did Defendant Wright Medical warn the public about the defects and risks they imposed. Instead, it deliberately and intentionally concealed such information from the public. Such acts and/or omissions constitute willful, wanton, reckless and malicious behavior and/or a conscious disregard for the substantial risk that such conduct might threaten the life, health and safety of Plaintiff.

### **COUNT III**

## **(FAILURE TO WARN)**

30. There is a foreseeable risk that the right orthopedic hip implant device designed by Defendant would create a defective and unreasonably dangerous condition if implanted in the body habitus. Defendant knew or reasonably should have known of risks of harm at the time they marketed and/or distributed the right hip implant device, but failed to warn about those risks.

31. Defendant failed to warn, or adequately warn Plaintiff of the aforesaid danger or risk of harm, or failed to give her adequate instructions on how to avoid the danger.

32. As a direct and proximate result of Defendant Wright Medical's failure to warn and carelessness, Plaintiff sustained injuries and damages described above.

33. The right orthopedic hip implant device was unreasonably dangerous as marketed because it was dangerous as to its characteristics to an extent beyond that which would be contemplated by the ordinary consumer with the knowledge common to this community, and upon information and belief, and at a higher failure rate than other hip implants on the market in 2007.

## **TIER DESIGNATION**

Given the damages sought and complexity of the case, Plaintiff certifies that this

1 case warrants case management and pretrial discovery under Tier 3.

2 **PRAYER FOR RELIEF**

3 Wherefore, Plaintiff prays for judgment against Defendants as follows:

4 1. For general damages to compensate Plaintiff for the pain, anguish, sorrow,  
5 mental and/or emotional suffering, limitation, stress, and shock she experienced, and will  
6 experience in the future;

7 2. For the reasonable value of medical expenses incurred by Plaintiff through  
8 the date of trial and to incurred into the future;

9 3. For the reasonable value of Plaintiff's loss of income and loss of earning  
10 capacity;

11 4. For punitive damages to punish Wright Medical and deter like conduct in the  
12 future;

13 5. For cost of suit; and

14 6. For such other and further relief as the Court deems best and proper.

15

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DATED this 15 day of February, 2019.

17 GALLAGHER & KENNEDY, P.A.

18

19 By: 

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